

Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 SS-20 SSO-00 L-03 NSC-10 JUSE-00 SY-10

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC PRIORITY 4916

INFO AMEMBASSY SAN JOSE

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E. O. 11652: N/A

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION - ROBERT L. VESCO - DAY SIX

1. BEGIN SUMMARY: THE MAGISTRATE RULED THAT IT IS NOT WITHIN THE COURT'S COMPETENCE TO QUESTION THE GOOD FAITH OF THE US IN ASKING FOR EXTRADITION AND THEREFORE DUPUCH WAS NOT ALLOWED TO PURSUE THE LINE THAT THE US WAS AFTER VESCO FOR OTHER CHARGES OR FOR POLITICAL REASONS. HE ALSO DECLARED THAT DUPUCH WOULD HAVE TO ESTABLISH THE POLITICAL CHARACTER OF THE OFFENSE FOR WHICH EXTRADITION IS SOUGHT BEFORE HE COULD CONTINUE THAT TACK. OSADEBAY BROUGHT UP THE JUNE 1972 PROTOCOL TO THE US/UK EXTRADITION TREATY. SINCE THAT PROTOCOL HAS A SECTION WHICH SPECIFICALLY COVERS "WIRE FRAUD", THE MAGISTRATE SEEMS TO FEEL SUCH OFFENSES WERE NOT PREVIOUSLY EXTRADITABLE. END SUMMARY.

2. DUPUCH BEGAN THE NOV 20 SESSION BY TRYING TO QUESTION JOHN LOWE ON THE MATCHELL/STANS/VESCO INDICTMENT TO PROVE THAT THE US WAS AFTER VESCO ON POLITICAL GROUNDS. AFTER OBJECTIONS BY COUNSEL FOR THE US, THE MAGISTRATE RULED THAT IT WAS NOT WITHIN THE COURT'S COMPETENCE TO QUESTION THE GOOD FAITH OF THE US. THEREFORE DUPUCH COULD NOT CONTINUE THE LINE THAT THE US WAS AFTER VESCO ON POLITICAL GROUNDS OR

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INTENDED TO TRY HIM ON OTHER CHARGES. HE SAID VESCO, AFTER

THE HEARING WAS OVER, WAS FREE TO TAKE THIS QUESTION UP WITH THE SECRETARY OF STATE (READ MINISTER OF EXTERNAL AFFAIRS). OSADEBAY ALSO DECLARED THAT BEFORE PURSUING ANY POLITICAL ARGUMENT, HE WOULD HAVE TO PROVE THE POLITICAL CHARACTER OF THE OFFENSE FOR WHICH EXTRADITION IS BEING SOUGHT. DUPUCH HAD A LIST OF 35 QUESTIONS ON THE MITCHELL/STANS CASE AND WATERGATE WHICH HE NEVER GOT TO ASK.

3. DUPUCH THEN HAD LOWE READ SECTIONS OF FOUR US MAIL FRAUD DECISIONS. (COMMENT: NONE OF THESE APPEARED PARTICULARLY RELEVANT AND EMBASSY WONDERS IF DUPUCH WAS MERELY TRYING TO CONFUSE OSADEBAY BY GIVING HIM SO MUCH MATERIAL TO CONSIDER.)

4. OSADEBAY RAISED THE QUESTION OF THE 1972 PROTOCOL TO THE US/UK EXTRADITION TREATY WHICH SPECIFICALLY DEALS WITH THE "WIRE FRAUD" (AS WELL AS MAIL FRAUD) OFFENSE. HE SEEMED TO FEEL THAT SINCE SPECIFIC MENTION WAS NEEDED IN THE PROTOCOL, PRIOR TO 1972 SUCH OFFENSES WERE NOT EXTRADITABLE. LOWE ATTEMPTED TO POINT OUT THAT THE PROTOCOL WAS MERELY FORMALIZING AN EXISTING SITUATION, AND THAT WIRE AND MAIL FRAUD OFFENSES HAVE ALWAYS BEEN EXTRADITABLE UNDER THE TREATY.

5. DUPUCH CONCLUDED HIS CROSS-EXAMINATION OF LOWE. A LENGTHY PROCEDURAL DISPUTE OVER THE PROSECUTION'S RIGHT TO CROSS- EXAMINE LOWE ENSURED. COUNSEL FOR THE US CONTENTED THAT LOWE WAS CALLED TO THE WITNESS BOX BY THE MAGISTRATE, THUS HE WAS THE COURT'S WITNESS AND THEY HAD A RIGHT TO CROSS-EXAMINE HIM. OSADEBAY AND DUPUCH CLAIMED HE WAS THE PROSECUTION'S WITNESS AND THUS US COUNSEL WOULD BE LIMITED TO REEXAMINING HIM.

6. DEAN REID OF HOWARD LAW SCHOOL WAS NOT IN COURT.
SPIERS

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